

REMARKS

Upon entry of this amendment, claims 62, 73 and 78-79 are pending in the instant application. Claim 73 has been amended herein, and claims 63-65 have been cancelled. Applicants reserve the right to prosecute that subject matter, as well as the originally presented claims, in continuing applications. Support for the claim amendments presented herein can be found throughout the specification and in the claims as originally filed. Accordingly, no new matter has been added by this amendment.

Applicants note that the Examiner has allowed claims 62, 73 and 78-79.

I. Claim Rejections Under 35 U.S.C. §112, second paragraph

The Examiner has rejected claim 65 under 35 U.S.C. §112, second paragraph. According to the Examiner, the term “a conservative substitution” is unclear.

Applicants note that claim 65 has been cancelled herein. Thus, all rejections of this claim have been rendered moot and should be withdrawn.

II. Claim Rejections Under 35 U.S.C. §112, first paragraph

Claims 64 and 65 have been rejected under 35 U.S.C. §112, first paragraph for lack of written description. According to the Examiner, “the specification contemplates variants having at least 80% homology and at least 90% homology to the proteins of the invention on page 26, lines 3-10 [but] neither the claims as originally filed, nor any other recitation within the specification provide support” for the limitations recited by claims 64 and 65.

Claims 64 and 65 have been cancelled herein, thereby rendering all rejections of these claims moot. Accordingly, this rejection should be withdrawn.

III. Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 63 and 65 under 35 U.S.C. § 102(b) as being anticipated by Ono *et al.*, J. Virol. 60(20):589-98 (1986) (“Ono”). According to the Examiner, Ono describes “two human endogenous retrovirus genome HERV-K10 encoded polypeptides

with 94.3% and 91.5% sequence identity respectively to the instant SEQ ID NO:36,” and moreover, these sequences have “a conservative amino acid substitution.”

Claims 63 and 65 have been cancelled herein. Thus, all rejections of these claims have been rendered moot and should be withdrawn.

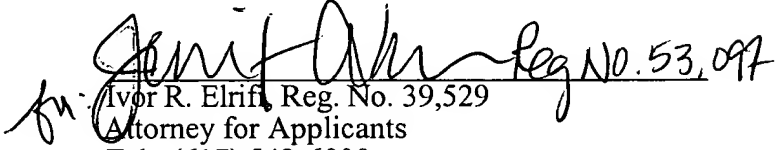
IV. Formal Drawings

Applicants submit herewith a set of formal drawings, FIGS. 1A-9 (25 sheets total), for the instant application. No new matter has been added in these Figures. Accordingly, Applicants request that the Examiner replace the originally filed Figures 1A-9 with the 25 sheets of formal drawings (Figures 1A-9) attached hereto.

CONCLUSION

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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Attachment:

--Formal Drawings (Figures 1A-9, twenty-five (25) sheets)